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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,984	08/07/2001	Jason Rupe	1732 (42059-01170)	3566

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EXAMINER

LE, KAREN L

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

A

**Office Action Summary**

Application No.

09/923,984

Applicant(s)

RUPE ET AL.

Examiner

Karen Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2&6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (U.S. 6,014,439).

Regarding claim 1, Walker teaches a method for call processing in a call center (Fig. 1, item 100) comprising the steps of: receiving at least one incoming telephone call over a communications network (Fig. 8a, item 805), presenting at least one interactive menu which includes a plurality of selection for processing the incoming call (Fig. 8a, item 822), wherein the plurality of selections includes a queuing option which is configurable to assign a priority (Fig. 8a, item 820) to at least one incoming call, place a call in a call queue for future routing (Fig. 8c, item 860), and simultaneously providing access to a plurality of automated interactive functions (Fig. 8b, item 850); and in response to at least one detected event (Fig. 8c, item 865), routing the incoming call from the call queue to a selected destination (fig. 8c, item 870).

Regarding claim 2, Walker further teaches the method of Claim 1 wherein the selected destination is at least one call attendant (fig. 8c, item 870).

Regarding claim 3, Walker further teaches the detected event comprises a change in an availability status of at least one call attendant (Fig. 8c, item 865).

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Regarding claim 4, Walker further teaches an order for routing at least one incoming call to the at least one call attendant is based on an assigned priority (Fig. 8a, item 820).

Regarding claim 5, Walker further teaches the step of assigning a priority to said incoming call is performed by extracting identification information from the incoming call and using the identification information to retrieve priority information from memory (Fig. 8a, item 820).

Regarding claim 6, Walker further teaches said step of assigning a priority is based upon the order of the incoming call was received (Fig. 8a, item 820).

Regarding claim 7, Walker further teaches the step of routing the incoming call is performed during performance of one of the plurality of automated interactive functions (Fig. 8c, item 862).

Regarding claim 8, Walker further teaches the step or routing the at least one incoming call is performed upon detected completion of one of the plurality of automated interactive functions (Fig. 8c, item 865).

Regarding claim 9, Walker further teaches a system for processing telephone calls comprising:  
a communications network interface device (Fig. 1, item 155) configurable for receiving and processing of at least one incoming telephone call and providing at least one automated interactive function; a queuing application (Fig. 2, item 210) in connection with the network interface (Fig. 1, item 170) which is configured to assign a priority to at least one incoming call and to simultaneously hold at least one incoming telephone call in a call queue while at least one incoming telephone call is hosted in the communications network interface (Col. 6, lines 43-45);

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and a call distributing apparatus (Fig. 2, item 150) in connection with at least one communications network interface (Fig. 1, item 250 or 245 or 260) which is configured to route at least one incoming call to a designated destination upon receiving indication from the queuing application (Fig. 8c, item 865 and 870).

Regarding claim 10, Walker further teaches the destination is a customer telephone system which supports call attendants (Fig. 1, item 160).

Regarding claim 11, Walker further teaches at least one of: the communications network interface (Fig. 1, item 170) the queuing application (Fig. 2, item 210), the call distributing apparatus (Fig. 1, item 150); are resident on central office switch in a public switched telephone network (PSTN) (Fig. 1, item 135).

Regarding claim 12, Walker further teaches at least one of the communications network interface, the queuing application, the call distributing apparatus; are resident on customer premise equipment (CPE) (Fig. 1, item 110 and 105).

Regarding claim 13, Walker further teaches the communications network interface is configured on voice response unit (VRU) interfaced with the public switched telephone network (PSTN) (Fig. 1, item 155).

Regarding claim 14, Walker further teaches the queuing application is configured on a network based application server (Fig. 2, item 205 and 150).

Regarding claim 15, Walker further teaches the call distributing apparatus is configured on an automatic call distributor (ACD) (Fig. 2, item 150).

Regarding claim 16, Walker further teaches the ACD routes the at least one incoming call to a customer PBX system over data network (Fig. 1, item 145).

*Conclusion*

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:


Hand-delivered responses should be brought to  
Crystal Park II, Sixth Floor (Receptionist)  
2121 Crystal Drive  
Arlington, VA 22202

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Le whose telephone number is 703-308-4998. The examiner can normally be reached on Monday - Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Karen Le  
KLL  
July 24, 2003

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600